



Office of General Counsel
(212) 525-3923

By Hand & ECF

August 2, 2007

Hon. Victor Marrero
United States District Judge
Southern District of New York
Daniel P. Moynihan Courthouse
500 Pearl Street
Room 660
New York, NY 10007

Re: Brava Investments Development Ltd. v. HSBC Bank USA, N.A.; 07 Civ. 3205

Dear Judge Marrero:

Enclosed is a completed Civil Case Management Plan And Scheduling Order which you had directed counsel for the parties to file by this Friday, August 6, 2007, following our conference last Friday, July 27, 2007. Thank you for your consideration in this matter.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Meredith L. Friedman".

Meredith L. Friedman
VP – Senior Counsel

Enclosure

cc: Paul H. Levinson, Esq. (Via e-mail; w/enc.)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
Brava Investment Developments :

Plaintiff(s), :

- against - :

HSBC Bank USA N.A. :Defendant(s). :
-----X07 Civ. 3205 (VM)CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case (is) (is not) to be tried to a jury: [circle one]
2. Joinder of additional parties to be accomplished by N/A.
3. Amended pleadings may be filed without leave of the Court until August 10 2007.
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than August 10 2007.
5. All fact discovery is to be completed either:
 - a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than December 27 2007; or
 - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than _____.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. Initial requests for production of documents to be served by August 31 2007.
 - b. Interrogatories to be served by all party by September 21 2007.
 - c. Depositions to be completed by November 30 2007.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. Depositions of all parties shall proceed during the same time.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
 - d. Any additional contemplated discovery activities and the anticipated completion date:

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December 27 2007

- e. Requests to Admit to be served no later than November 30 2007.
7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:
- a. Plaintiff January 30 2008
- b. Defendant January 30 2008
8. Contemplated motions:
- a. Plaintiff: Summary judgment
- b. Defendant: Summary judgment
9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than February 15 2008.
10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?
- Yes _____ No X

TO BE COMPLETED BY THE COURT:

11. The next Case Management Conference is scheduled for _____.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York

VICTOR MARRERO
U.S.D.J.